

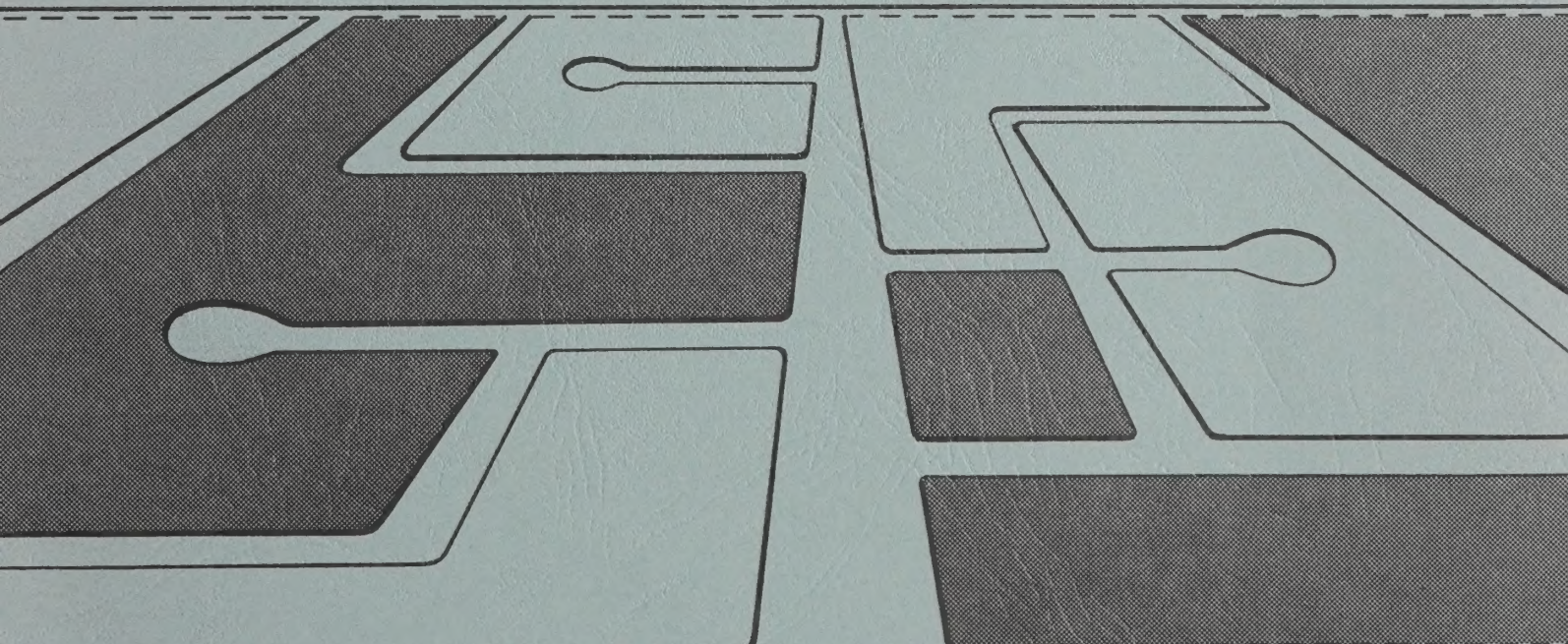
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# CITY OF CYPRESS



# SUBDIVISION ORDINANCE





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C I T Y     O F     C Y P R E S S

5275 Orange Avenue  
Cypress, California 90630

(714) 828-2200

MEMBERS OF THE CITY COUNCIL

Richard Partin, Mayor  
John Kanel, Mayor Pro-tem  
Cornelius M. Coronado, Jr.  
Otto J. Lacayo  
Gerald Mullen

Darrell Essex, City Manager

MEMBERS OF THE PLANNING DEPARTMENT

Christine Eynon, Planning Director  
Vernon Jones, Associate Planner  
Mary H. Venables, Assistant Planner  
Freda Pike, Secretary



Subdivision Ordinance No. 717, which was adopted at a regular meeting of the Cypress City Council held on the 28th day of November 1983, includes Subdivision Ordinance No. 582 dated the 13th day of September 1976.

*It is not a question of how much, but how good.  
In planning for our future, we should emphasize  
quality rather than quantity.*





## CONTENTS

	Page
Article I      GENERAL PROVISIONS. . . . .	1
Section 25-1    Applicability of Chapter. . . . .	1
Section 25-2    Compliance with Chapter . . . . .	1
Section 25-3    Exceptions. . . . .	1
Section 25-4    Denial of Land Division . . . . .	2
Section 25-5    Advisory Agency Designated. . . . .	2
Section 25-6    Definitions . . . . .	2
Article II      DIVISION OF LAND BY TRACT MAP . . . . .	3
Section 25-7    Purpose . . . . .	3
Section 25-8    Applicability of Chapter. . . . .	3
Section 25-9    Planning Director Report to the City Council. . . . .	3
Section 25-10   Tentative Maps. . . . .	3
Section 25-11   Final Maps. . . . .	7
Section 25-12   Lots. . . . .	12
Section 25-13   Fees. . . . .	13
Article III      DIVISION OF LAND BY PARCEL MAP. . . . .	14
Section 25-14   Purpose . . . . .	14
Section 25-15   Applicability of Chapter. . . . .	14
Section 25-16   Tentative Parcel Map. . . . .	14
Section 25-17   Action by City Council. . . . .	16
Section 25-18   Lot Line Adjustments. . . . .	16
Section 25-19   Appeals . . . . .	16
Section 25-20   Limitation of Approval. . . . .	17





	Page
Section 25-21 Final Parcel Map. . . . .	17
Section 25-22 Fees. . . . .	18
Article IV REVERSION TO ACREAGE. . . . .	19
Section 25-23 Purpose . . . . .	19
Section 25-24 Reversion to Acreage. . . . .	19
Section 25-25 Fees. . . . .	22
Article V PUBLIC IMPROVEMENTS, DEDICATIONS, PERFORMANCE AGREEMENTS, AND IMPROVEMENT SECURITIES. . .	23
Section 25-26 Purpose . . . . .	23
Section 25-27 City Standards. . . . .	24
Section 25-28 Minimum Improvements and Dedications. .	24
Section 25-29 Public Improvements . . . . .	25
Section 25-30 Bridge Crossing and Major Thoroughfares	33
Section 25-31 Supplemental Improvements . . . . .	36
Section 25-32 Underground Utilities and Service Lines	36
Section 25-33 Soils Report. . . . .	37
Section 25-34 Inspection of Public Improvements . . .	38
Section 25-35 Improvement Plans, Drawings, and Related Items . . . . .	38
Section 25-36 Safety and Public Convenience . . . . .	39
Section 25-37 Reservation of Land for Public Uses . .	39
Section 25-38 Dedication of Elementary School Sites .	40
Section 25-39 Dedication of Land for Public Use . . .	41
Section 25-40 Agreements and Improvement Securities .	44



	Page
Article VI      PARK AND RECREATIONAL FACILITIES. . . . .	48
Section 25-41    Provision of Park and Recreational Facilities. . . . .	48
Section 25-42    Applicability . . . . .	48
Section 25-43    Relation of Land Required to Population Density. . . . .	48
Section 25-44    Population Density. . . . .	48
Section 25-45    Amount of Land to be Dedicated. . . . .	48
Section 25-46    Amount of Fee in Lieu of Land Dedication. . . . .	49
Section 25-47    Credit for Private Open Space . . . . .	49
Section 25-48    Choice of Land or Fee in Lieu Thereof .	50
Section 25-49    Time of Commencement. . . . .	51
Section 25-50    Use of Land and/or Fees; Relationship of Facilities to Needs. . . . .	51
Article VII      ENFORCEMENT . . . . .	52
Section 25-51    General . . . . .	52
Section 25-52    Certificate of Compliance . . . . .	52
Article VIII     NEW RENTAL HOUSING CONVERSION . . . . .	53
Section 25-53    Condominium Developments. . . . .	53
Section 25-54    Notice to Prospective Tenants . . . . .	53





## CHAPTER 25

### SUBDIVISIONS

#### Article I

##### GENERAL PROVISIONS

Section 25-1 Applicability of Chapter. Pursuant to the provisions of Division 2 of Title 7 of the Government Code of the State of California referred to in this Chapter as the Subdivision Map Act, the Streets and Highways Code, Public Resources Code, Business and Professions Code, and to all other regulations provided by law, the regulations, requirements, and controls contained in this Chapter shall apply to all divisions of land, including subdivisions, parts of subdivisions, lot divisions, reversions to acreage, lot combinations and consolidations, and lot line adjustments.

Section 25-2 Compliance with Chapter.

A. No person, firm, corporation, partnership, or association shall offer to sell or lease to contract to sell or lease, to sell or lease, or to finance any parcel or parcels of real property, or to commence construction of any building or structure for sale, lease or financing thereon, or to allow occupancy thereof, and no building permit, certificate of use and/or occupancy, or other official evidence of authority for the use of the premises shall be valid, unless the lot, parcel, or parcels in question are shown in the office of the County Recorder as a part of one of the following: (1) a subdivision tract map, filed and approved in compliance with the Subdivision Map Act; (2) a lot or parcel created by the division, combination, or reversion of a lot or lots in compliance with the Subdivision Map Act, and/or local ordinances and which is shown on a parcel map or record of survey map; or, (3) the lot or parcel is a legal lot as defined in the Zoning Ordinance of the City of Cypress.

B. No reversion to acreage, or lot combination shall be valid unless the provisions of this Chapter are first met.

Section 25-3 Exceptions. Conditional exceptions to the standards and requirements of this Chapter may be authorized by the City Council in the case of land divisions by tract map, reversions to acreage, and from any decision of the Public Works Director and Planning Director; by the Public Works Director and Planning Director in the case of lot divisions by parcel map, lot line adjustments, lot consolidations and combinations, if exceptional or special circumstances exist. Such circumstances may include limited property size, unusual property shape, unique industrial or commercial development problems, extreme topography, dominating drainage problems, adverse environmental efforts, or the impracticability of employing a comprehensive plan or layout





by reason of a prior existing development on contiguous properties. Where applicable, procedures set forth in the Cypress Zoning Ordinance shall apply.

Section 25-4 Denial of Land Division. The City Council, in the case of land divisions by tract map or parcel maps, and the Public Works Director or Planning Director in the case of lot line adjustments, shall deny said divisions of land if the said divisions do not comply with the provisions of this Chapter, after considering any approved exceptions as provided herein. The Council, Public Works Director or Planning Director shall also deny said divisions if they do not meet the provisions of State law regarding subdivisions, divisions of land, planning and environmental considerations, or fail to comply with the City's General Plan.

Section 25-5 Advisory Agency Designated. The Planning Director is designated as the Advisory Agency, as the same is referred to in the Subdivision Map Act, and is charged with the duties of investigating and reporting on the design and improvement of proposed divisions of land and the imposition of requirements or conditions thereof. The Planning Director and Public Works Director shall constitute the Advisory Agency for reviewing lot line adjustments.

Section 25-6 Definitions. The words and phrases used in this title shall have the meanings respectively ascribed to them by the Zoning Ordinance of the City of Cypress. Whenever any words or phrases used are not defined in the Zoning Ordinance, but are defined in the Subdivision Map Act or other State laws, such definitions shall govern unless the context clearly indicates that a different meaning is intended.



## Article II

### DIVISION OF LAND BY TRACT MAP

Section 25-7 Purpose. The purpose of this Chapter is to regulate and control the following:

A. The subdivision of land by tract map when said land is entirely or partially within the City by supplementing the provisions of the Subdivision Map Act.

B. The form and content of all tract maps relating to the subdivision of land.

C. The procedure to follow in securing City approval of such maps.

Section 25-8 Applicability of Chapter. The requirement for a final tract map and other requirements pertaining thereto in this Chapter shall apply to all subdivisions requiring a tentative and final map as provided in the Subdivision Map Act.

Section 25-9 Planning Director Report to the City Council. The Planning Director is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions; and is hereby authorized to recommend to the City Council the approval, conditional approval, or disapproval of tentative maps prepared and filed in accordance with this Chapter and in accordance with State law, and to report to the City Council the action taken on said tentative maps.

Section 25-10 Tentative Maps.

A. Preparation - A tentative tract map of a subdivision shall be prepared in accordance with State law and the provisions of this Chapter.

B. Conference with Planning and Public Works Departments' Staffs Prior to Filing - After noting the requirements of this Chapter, it is desirable that the subdivider should confer with the staffs of the Planning and the Public Works Departments before preparing a tentative map.

C. Filing of Tentative Map: Filing Date Defined; Distribution - Each proposed subdivision shall be submitted in map form, along with a written application, to the Planning Director. The application shall be in a form as specified by the Director, and the tentative map should be submitted prior to the completion of final surveys, plan preparations, grading, or construction work which could be affected by any change in the tentative map. The subdivider or applicant shall ascertain from the Planning Department the number of copies of the tentative map to submit, and upon submittal, copies shall be forwarded to applicable City staff members, departments, and commissions, to each City, local agency or district entitled by law to review and





recommend thereon, and to any other group, body, agency, or district deemed necessary by the Planning Director. For the purposes of this title, and pursuant to the provisions of the Subdivision Map Act, the date of filing of a tentative map for subdivision of land by either tract map or parcel map, shall be the date upon which the Planning Director, after having received the application and tentative map from the applicant, files a draft Environmental Impact Report or Statement, or a Negative Declaration, or makes the determination that such Report, Statement, or Declaration is not required for the subdivision of land submitted. When required, a copy of the draft Environmental Impact Report shall be submitted at the time of submittal of the Tentative Tract Map.

D. Size of Map - The size of such tentative map or maps shall be any dimension sufficient to clearly show the entire subdivision on one sheet, at a scale not less than one hundred feet (100') to the inch.

E. Information on Map - Each Map shall contain the following information in addition to that required by the Subdivision Map Act:

1. Tract number assigned by the County surveyor.
2. Name and address of the owner or owners whose property is proposed to be subdivided, and the name and address of the registered civil engineer, licensed surveyor, architect or other person who prepared the map.
3. North point, scale, and date of preparation of the tentative map.
4. Boundary lines.
5. The locations, width, approximate grade, center-line radii, and proposed names of all streets within the boundaries of proposed subdivision, and the location and width of proposed alleys and/or public service easements.
6. Name, location and width of each adjacent street.
7. Lot number, lot lines and approximate dimension of each lot, and drainage direction of each lot.
8. Approximate location and width of watercourses or areas subject to inundation from floods, and the location of structures, irrigation ditches, railroads and other permanent physical features.
9. Description of the exterior boundaries of the subdivision or legal description of the property comprising the subdivisions.





10. Width and location of all existing or proposed public or private easements.
11. Classification of lots as to intended residential, commercial, industrial, or other uses.
12. Proposed location, direction of flow, and disposal point for storm drains and appurtenant structures.
13. Proposed location, size, direction of flow, and disposal point for sanitary facilities.
14. Contours, street profile and cross-sections, together with the location of all cut and fill slopes or a separate tentative grading plan, if necessary in the opinion of the Public Works Director.

F. Supplemental Information - The tentative map shall show thereon or be accompanied by reports and written statements from the subdivider giving essential information regarding the following matters:

1. Source of water supply.
2. Type of street improvement and utilities which the subdivider proposes to install.
3. Protective covenants to be recorded.
4. Such other information as may be deemed necessary by the Public Works Director or Planning Director.

G. Provision of Notice of Application for Approval of Tentative Map to Landowners Within Three Hundred Feet (300') - Whenever approval of a tentative map will constitute a substantial or significant deprivation of the property rights of owners of real property situated within three hundred feet (300') of the property which is the subject of the application for approval, the City Planning Department shall provide notice of the application to such surrounding landowners by mail, by posting on and off the subject property, by delivery to the owners by means other than mail, or by any other method reasonably calculated to provide actual notice to such surrounding landowners of the hearing to be held regarding approval of the application.

H. Report by Public Works and Planning Departments - Prior to the consideration of a tentative subdivision map by the City Council, the Public Works Director and the Planning Director shall make a report to the City Council containing their recommendations or comments concerning the tentative map and its bearing on the community. Such reports shall be in writing, and a copy shall be served on the subdivider at least three (3) days prior to any action on the map by the City Council.



I. Action by Advisory Agency - The Advisory Agency shall recommend approval, conditional approval, or disapproval of a tentative tract map of a subdivision and report thereon to the City Council in writing within fifty (50) days after such map has been filed. However, if an Environmental Impact Report is prepared for the tentative map, the fifty (50) day period specified in this subsection shall not be applicable and the Advisory Agency shall render its report or decision required by this subsection within forty-five (45) days after certification of the Environmental Impact Report.

J. Action by City Council - Upon receipt of the report from the Public Works Director and the Planning Director, the Clerk of the City Council shall set the matter before the City Council at its next most convenient regularly scheduled meeting, which meeting shall be within thirty (30) days after the Clerk's receipt of the report. Should the matter be set for a meeting which is prior to the end of said thirty (30) days, then the City Council may continue the matter until another time, provided final action is taken within said thirty (30) days. At the meeting the City Council shall hear all of the evidence and shall act upon the Advisory Agency's report, and shall approve, conditionally approve, or disapprove the tentative tract map. The action of the Council shall be recorded in the form of a resolution, and shall contain the facts and reasons for the approval, conditional approval, or denial of the tentative map. No tentative tract map shall be approved unless the Council finds that the proposed subdivision, along with its design and improvement, is consistent with the General Plan of the City and that none of the findings set forth in Government Code Section 66474 and 66474.6 can be made. The City Clerk shall report the Council's action on the tentative map to the subdivider and to the Planning Director within fifteen (15) days following such action.

K. Extension of Tentative Approval Period - Upon written application filed with the Planning Director within the twenty-four (24) month period following approval or conditional approval of a tentative subdivision tract map by the City Council, and prior to its expiration, extensions beyond the twenty-four (24) month period may be recommended for approval by the City Council. The Planning Director's report shall be forwarded to the Clerk of the City Council for action by Council. The Clerk shall put the matter before the Council at its next most convenient regularly scheduled meeting, which meeting shall be within thirty (30) days after the Clerk's receipt of the Planning Director's recommendation. The Council shall thereupon act on the requested extension. The sum of all such extensions granted by the City Council shall not exceed a total of twelve (12) months. The Clerk of the City Council shall notify, in writing, the applicant or subdivider of the respective actions of the Planning Director and City Council, within five (5) days of the recommendation or decision made.

At the time any tentative tract map is extended or recommended for extensions, the Planning Director may recommend any new conditions the Planning Director sees fit as a condition





of the extension, subject to the approval of the Council, and the Council may, at the time of its decision, add any new conditions deemed appropriate. If no final map for all or any of the land shown on the approved tentative tract map is recorded within the initial twenty-four (24) month approval period or within any subsequent extensions as above provided, then all proceedings shall terminate, and no final tract map shall be filed or recorded without first processing a new tentative tract map.

Section 25-11 Final Maps. Final tract maps of subdivisions whose tentative maps have been approved, or conditionally approved by the City Council, shall be submitted, reviewed, and processed in conformance with this Section.

A. Time Limit for Filing - Within a period of twenty-four (24) months after the date upon which the City Council granted its approval or conditional approval of a tentative subdivision tract map, the subdivider may cause the subdivision, or any portion thereof, to be surveyed and a final map to be prepared, filed with the City, and recorded, as herein provided, in accordance with the tentative map as approved, unless an extension of time has been granted in accordance with the provisions of Section 25-10 (K).

In the case of multiple final maps relating to an approved or conditionally approved tentative map, such maps may be filed with the City prior to the expiration of the tentative map if: (1) the subdivider, at the time the tentative map is filed, informs the City in writing of the subdivider's intention to file multiple final maps on such tentative map, or (2) after filing of the tentative map, the City and the subdivider consent in writing to the filing of multiple maps. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps. In addition, the filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of such tentative map. The City may impose reasonable conditions relating to the filing of multiple final maps.

B. Filing of Final Map - For the purposes of filing a final tract map, the subdivider shall submit to the Public Works Director an original final map tracing, one duplicate tracing, and four blue-line prints thereof. One print shall be returned to the subdivider, showing any corrections to be made, or a statement by the Public Works Director that the map is correct. The remaining copies shall be used for other departmental purposes. When the final map is found to be correct, and the subdivider has posted all agreements and improvement securities as elsewhere provided in this Chapter or as required by State law and City law, and when the balance of fees, as required by resolution or ordinance of the City Council, have been paid, and all other conditions precedent to the approval of the tentative map have been met, the final map tracing shall be certified by the Public Works Director as to its correctness, its substantial conformance to the approved tentative map, and the fact that all requirements imposed by the



Subdivision Map Act and City laws in effect at the time of approval of the tentative map have been complied with. After such certification, the final map shall be put before the City Council for final approval. The City Council, within a period of ten (10) days after the Public Works Director has filed the map with them for approval, or at the next regular meeting held after its receipt, whichever is later, shall consider the final map. The Council shall approve the final map if it finds that it substantially conforms to the tentative map and to all the applicable sections of the Subdivision Map Act, and local codes and ordinances in effect at the time the tentative map was approved or conditionally approved. If it does not so conform, the Council shall disapprove the final map. If the City Council does not approve or disapprove the final map within the prescribed time, or any authorized extension thereof, and the map conforms to said requirements, it shall be deemed approved, and the City Clerk shall certify its approval thereon. If the final tract map is found not to conform to the above requirements, and its failure to conform is the result of a technical or inadvertent error, the City Council may find that said error does not materially affect the validity of the map, and thereupon approve the final map.

At the time of final map approval, the City Council shall accept all dedications, offers for dedications, accept them subject to their improvement, or reject them, or any combination thereof. The City Clerk shall certify on the map the action of the Council. The City Council may accept such dedications by separate instrument. The Council, at the time of final map approval, shall also approve the execution of any required performance agreements entered into by the subdivider as a guarantee of completion of any public improvements required as a condition precedent to the approval of the tentative map. Upon completion of the required certificates by the City Clerk, the final map shall be transmitted to the County Recorder for recordation. After recordation, the subdivider shall provide the Public Works Department with one print thereof, on cloth or other material as approved by the Public Works Director, and one reproducible copy on tracing cloth or polyester base film, which shall both be permanently filed in the office of the Public Works Director.

C. Required Information on Final Map - The final map shall contain the following information in addition to that required by the Subdivision Map Act:

1. If more than three sheets are used, an index showing the entire subdivision, with lots, streets, etc., shall be included on the title sheet, if there is room, or on the second sheet.
2. The number of the tract, and a statement as to whether it is the first, successive, or final increment of an approved tentative tract of a different number.





3. Date of preparation, north point, and scale.
4. A description of the land being subdivided.
5. Location and names, without abbreviations, of all:
  - (a) proposed streets, highways, alleys, and public service easements,
  - (b) proposed public areas and all other easements,
  - (c) adjoining and nearby streets, alleys, and easements.
6. Dimensions shall be in feet and decimals of a foot, to the closest hundredth.
7. The dimensions of all lots.
8. Each lot shall be numbered; each block may be lettered or numbered. Each lot shall be shown entirely on one sheet.
9. Centerline data on streets, easements, alleys, etc., including bearings, distances, and curve data.
10. The exterior boundary of the land included in the subdivision shall be indicated by distinctive symbols, and be clearly so designated.

The submittal of any of the above reference information may be waived by the Public Works Director or Planning Director when such information is deemed unnecessary for proper consideration of the map.

Ditto marks shall not be used on the final map. All figures, numbers, and writing thereon shall be such size and clarity so that copies made from the original will be legible.

D. Title Sheet - The title sheet of the final map shall contain the number of the tract, the description of the land being subdivided, together with the words "In the City of Cypress" or "Partly Within the City of Cypress and Partly Within (unincorporated territory of Orange County or other city)." Below the title shall be a subtitle consisting of a general description of the property being subdivided or reverted to acreage. The title sheet shall contain appropriate certificates and acknowledgements for execution by the owners of record of the property, the Public Works Director, the City Clerk, and County Surveyor, and such others as required by State, County, or City laws. Where streets, highways, easements, and other interests in property are being dedicated to the City, or being offered for dedication, appropriate certificates



shall clearly indicate same. A separate note explaining and describing the basis of bearings upon which the survey of the tract was made shall be shown on the title sheet, along with a legend showing the type and character of all monuments found, set, or to be set, which affect the survey of the subdivision. The date of preparation of a soils report as required by the Subdivision Map Act, along with the name and registration number of the responsible civil engineer who prepared it and the name of the soil engineering firm with whom he is associated, if any, shall also be noted on the title sheet. The title sheet shall show the name and state registration number of the civil engineer or land surveyor responsible for the survey and preparation of the map. A certificate, signed by the responsible engineer or surveyor, shall also be shown on the title sheet which shall indicate if the monuments shown have been set or when such monuments will be set.

E. Record of Easements - The final map shall show the centerline data, width, sidelines, and curve data for all easements to which the lots in the subdivision are subject. All easements, both existing and of record, and those to be dedicated or to be offered for dedication, shall be clearly shown and identified with respect to their present or intended use, and if of record, proper reference to the record date given. Private easements may, but need not be, shown on the final map, so long as their presence does not confuse or detract from the purpose of the final map.

F. Required Survey Data - The final map shall show the centerlines and sidelines for all streets, highways, and alleys with their lengths and bearings; the length, radii, tangent lengths, and central angles, with radial bearings for all curves and segments; the total width of each street and easement, with the width of any portion being dedicated and that of any existing portion in relation to centerline; and the widths of rights-of-way for railroads, freeways, flood control channels, and all other easements. Surveys made for the preparation of maps for land divisions shall be made in accordance with the Land Surveyors' Act, and the standard practices and principles of land surveying, under the supervision of a civil engineer or land surveyor licensed in the State of California. A traverse of the boundaries of the tract, or the lots or blocks therein, or along the centerlines or sidelines of the streets and easements shown, shall close within the tolerances and to the degree of accuracy as required by the Public Works Director.

Monuments shall be established and survey data shall be shown in accordance with the following:

1. New Monuments - Sufficient permanent monuments shall be set so that the survey or any part thereof may be readily retraced. Such monuments shall generally be placed at the corners and angle points of the exterior boundary of the subdivision, at the beginning and endings of curves, at centerline intersections of streets, alleys, and public service easements, and at other points of control as required by the



Public Works Director. Stakes shall be set at all lot corners. The character, type, and positions of all monuments to be set shall be noted on the map, and shall conform to the requirements of the Public Works Director. All monuments set shall be tagged with the engineer's or surveyor's state license number and designation. Interior monuments and points need not be set at the time the final map is recorded if the engineer or surveyor certifies on the title sheet of the final map that the monuments will be set on or before a specified later date, and if the subdivider furnishes to the City Council a cash bond and suitable agreement guaranteeing the setting of the monuments and payment for the cost thereof.

2. Existing Monuments and Survey Information - The final map shall clearly show all stakes, monuments, ties, or other evidence found while making the survey to determine the tract boundaries. The corners of adjoining lots, subdivisions, and parcels shall be shown and identified, with ties thereto. Reference shall also be made to all subdivisions, records of surveys, parcel maps, and other maps and data of record upon, adjoining, or near the property being divided, combined or reverted to acreage. Other survey data and calculations, if required by the Public Works Director, shall be shown on the final map in accordance with his standards and policies.
3. Established Lines and Points - Whenever the Public Works Director or County Surveyor has established the centerline of streets, alleys, or easements, or has located specific points or monuments, such data shall be considered in making the survey and all monuments and points found and used shall be indicated on the map with proper references made to field books, surveys, tie books, or other maps or information of public record. If the points were reset by ties, or if record points were not found, that fact shall be clearly noted and a note made of any new point set in its place. The final map shall also show and tie in the locations of any City boundaries crossing or adjoining the subdivision.
4. Survey Data for Lots - Dimensions of lots shall be the net dimensions. Each lot shall be shown fully on a sheet. All lots containing three-quarters ( $3/4$ ) of an acre or more, shall show net acreage, and when required by the Public Works Director, the gross acreage. Whenever acreages are shown for lots, blocks, or for





the total tract area, they shall be shown to the nearest thousandths of an acre, and when required by the Public Works Director, in square feet, to the nearest hundredth of a square foot.

Section 25-12 Lots. The size, dimensions, and configuration of lots or parcels created by any division of land shall conform with this Section and the Cypress Zoning Ordinance.

A. Lot Numbers - The lots or parcels shall be numbered consecutively commencing with the number One, with no omissions or duplications. Block numbers or letters may be used, but are not preferred.

B. Lot Area - The minimum net lot area shall be that prescribed for the zone in which the property is located. Variations from the minimum lot area requirements may be approved by the Advisory Agency or City Council in accordance with the provisions of the Zoning Ordinance of the City of Cypress.

C. Public Street Frontage - All lots created by the division of land, whether by tract or parcel map, shall have frontage on a dedicated public street or highway. In the case of condominiums or planned residential developments with lot areas owned in common, the street frontage requirement for individual lots may be satisfied by the individual lots' ownership in the common lot, if the common lot has frontage on the public street.

D. Lot Width - The width of lots shall conform to standards of development as defined by the City Zoning Ordinance and other ordinances or official plans adopted pursuant to law. Corner lots shall have a minimum width of sixty-five feet (65') measured the same as interior lots. Variations from the minimum lot width requirements may be approved by the Advisory Agency or City Council in accordance with the provisions of the Zoning Ordinance of the City of Cypress. The minimum widths of odd-shaped lots which result from extreme topography, previously irregular boundaries, or other unavoidable circumstances shall be subject to individual determination and approval by the Advisory Agency at the time of approval of the tentative map in accordance with requirements of the Cypress Zoning Ordinance.

The above provisions governing minimum lot widths shall not apply to residential or common lots within a planned residential (PRD) zone. Lot sizes and widths therein shall conform to the standards as set forth in the Zoning Ordinance or the approved concept plan or site plan for the particular development, whichever applies.

Small, odd-shaped lots or parcels resulting from the separation of land by streets or easements, or lots burdened by easements, utilities, or other facilities to a degree which minimizes their value or use for other purposes, or parcels subject to flooding, portions of railroad rights-of-way, or other lots or



parcels which because of their size, shape, topography, use, or location are unable to be built upon or developed, shall, upon the determination of the Public Works Director and Planning Director may be exempted from the above requirements as to lot widths and areas in accordance with the provisions of the Zoning Ordinance of the City of Cypress.

E. City Boundary - No lots shall be divided by the boundary line of the City of Cypress.

F. Side Lines - The side lines of lots shall be approximately at right angles to the street lines on straight streets, and shall be approximately radial on curved streets.

Section 25-13 Fees. Fees for the filing of tentative and final tract maps shall be as determined by Resolution of the City Council.





## Article III

### DIVISION OF LAND BY PARCEL MAP

Section 25-14 Purpose. The purpose of this Section is to regulate and control the division of land by means other than a subdivision tract map as defined by the Subdivision Map Act.

Section 25-15 Applicability of Chapter. A parcel map shall be required for all divisions of land creating four or less parcels, in accordance with the requirements of the Subdivision Map Act. The provisions of this Chapter shall apply to all such divisions.

Section 25-16 Tentative Parcel Map.

A. Submittal - A tentative parcel map showing the proposed lot division shall be deemed filed with the Planning Director in the same manner as a tentative tract map. The applicant shall determine from the Planning Department the number of copies of the tentative map, and any other information required for processing the lot division, and shall provide same. The size of the tentative map shall be sufficient to show the entire land division on a single sheet, at a scale not smaller than one hundred feet (100') to the inch. The tentative parcel map shall contain and show the following information in addition to that required by the Subdivision Map Act:

1. A legal description of the land to be divided, with dimensions on the parcels and around the boundary.
2. The name, address, and phone number of the owners of the property to be divided, with the name, address, and phone number of the person who prepared the map.
3. A north arrow and scale.
4. The location of the property in relation to existing streets, alleys, and public service easements, and the location, width, approximate grade, centerline radii, and proposed names of all proposed streets, highways, alleys and public service easements.
5. The location of existing lot lines, and the location of proposed lot lines with each new parcel being numbered consecutively.
6. Existing contours or topography, if required by the Public Works Director, with the location and steepness of all cut and fill slopes.



7. The location and direction of flow of existing or proposed sewerage and storm drainage facilities, water lines, wells, and any cesspools, irrigation lines, utility lines, and all other underground or overhead facilities.
8. The location of existing buildings and structures and their relation to the lot lines being created, along with the proposed use of each new parcel.
9. Any other information relevant to the area, its improvement and design, which in the opinion of the Public Works Director is required for proper consideration of the effect of the division on the community and as required by State or City laws.

The submittal of any of the above referenced information may be waived by the Public Works Director or Planning Director when such information is deemed unnecessary for proper consideration of the map.

B. Certificate of Owner - When a tentative parcel map is filed with the Planning Director, the applicant shall certify in writing that he is the record owner of the property or properties to be divided, and that he consents to the proposed division. Such certificate shall be in a form as prescribed by the Planning Director and all signatures thereon shall be acknowledged by a Notary Public. Signatures of parties owning the types of interests described in Section 66436 (b) of the Subdivision Map Act need not appear on the certificate form if the subdivider supplies their names, and the nature of their interests, prior to approval and recordation of the final parcel map and otherwise complies with the provisions of Section 66436 (b).

C. Examination and Report on Tentative Parcel Map - Each tentative parcel map filed should be examined by the Public Works Director and Planning Director for its correctness in compliance with City ordinances and policies. A written report of their findings and recommendations shall be delivered to the City Council within fifty (50) days of the filing of the tentative parcel map. However, if an Environmental Impact Report is prepared regarding the tentative map, the fifty (50) day period specified in this subsection shall not be applicable and the Public Works Director and Planning Director shall render their report required by this subsection within forty-five (45) days after certification of the Environmental Impact Report. In either case, the Public Works and Planning Directors' reports shall also be sent to the applicant of record, and to each tenant of the subject property in the case of a proposed conversion of residential real property or stock cooperative project, at least three (3) days prior to any action taken on the tentative parcel map by the City Council. The Planning Director shall mail a written notice to all owners of record properties adjoining the properties being considered for



division of the time and place of the meeting at which the tentative parcel map will be considered by the City Council. Such notice shall be mailed at least five (5) days prior to the date of said meeting.

Section 25-17 Action by City Council. At its first regular meeting held after receipt by the City Clerk of the above written report and recommendations, the City Council shall fix the meeting date at which the tentative maps will be considered by it, which date shall be within thirty (30) days thereafter, and the City Council shall approve, conditionally approve, or disapprove the tentative map within such thirty (30) day period. Notification by mail of the time and place at which action on the tentative parcel map will be considered by the City Council shall be sent to the applicant or owner not less than five (5) days prior to the meeting at which the action will be considered. The decision of the City Council shall be final, and the City Clerk shall make a written report of the outcome directly to the applicant or owner and the various City departments. Such written report shall specify the facts and reasons for the decision made with a finding as to whether or not the division, along with its improvement and design, conforms to the City General Plan.

Section 25-18 Lot Line Adjustments. For the purpose of this Chapter, a lot line adjustment is any division of land not requiring a subdivision tract map, as specified by the Subdivision Map Act, in which no more parcels are created by the division than existed prior to it, and which does not substantially change the size or shape of the parcel or parcels involved. The Public Works Director and Planning Director may approve, conditionally approve, or disapprove a tentative parcel map submitted for a lot line adjustment, and their determination as to whether a division may be classed as a lot line adjustment shall be final. Their action shall be in writing and sent by mail to the applicant within fifty (50) days of filing. Lot line adjustments shall be subject to all the same requirements, conditions, and controls as are applicable to other divisions of land.

Section 25-19 Appeals.

A. From Action by Advisory Agency - If any interested party is dissatisfied with any requirement, ruling, finding or disapproval by the Advisory Agency with respect to the map or the kinds, nature and extent of the improvements and conditions imposed, he shall within ten (10) days after such action appeal in writing to the City Council for relief. Said written appeal shall be filed with the City Clerk and shall set forth the grounds and reasons for such an appeal. The City Council may sustain, modify or overrule any such requirements, ruling, finding, or disapproval of the Advisory Agency, and may modify the kinds, nature and extent of any improvements required. The City Council shall consider such appeal within thirty (30) days of its filing with the City Clerk. Notification by mail of the time and place at which the appeal will be considered by Council shall be sent to the applicant or owner not less than five (5) days prior to the meeting at which the appeal will be considered. The decision of the City Council shall be final, and upon making its decision the City Clerk shall make a





written report of the outcome directly to the applicant or owner and to the various City departments.

B. From Action by the Public Works Director and/or Planning Director - If any interested person or the applicant for a lot line adjustment wishes to appeal the decision of the Public Works Director and/or Planning Director or the requirements and conditions pertaining to this approval, conditional approval, or denial of the lot line adjustment, said person shall file a written appeal with the Planning Director within ten (10) days of the decision. The tentative map, along with the staff report setting forth the requirements and other information regarding the lot line adjustment shall then be sent to the City Council, which shall consider the appeal. A copy of the report shall also be sent to the owner or applicant making the appeal at least five (5) days prior to action by the City Council. Upon receipt of the report, the City Council shall review the matter within the time and in the manner specified above for action by the City Council concerning a regular division by parcel map. The decision of the City Council approving, conditionally approving, or denying the appealed lot line adjustment or conditions thereof, shall be final.

Section 25-20 Limitation of Approval. The approval or conditional approval of a tentative parcel map or tentative map or a lot line adjustment shall be valid for a period of twenty-four (24) months after the date upon which the Public Works Director, Planning Director, or the City Council, whichever is applicable, granted approval or conditional approval of the division or lot line adjustment. During this time, the owner or applicant may cause the parcel or parcels to be surveyed and a final map to be prepared and submitted to the Public Works Director for approval and subsequent recordation. Upon written application, filed with the Public Works Director within the twenty-four (24) month period following approval or conditional approval of the lot division, extensions beyond the twenty-four (24) month period may be granted by the City Council in the case of lot divisions, and by the Public Works Director in the case of lot line adjustments. The sum of all such extensions granted shall not exceed a total of twelve (12) months. If the request for extension for lot line adjustment is denied, then the applicant or owner may appeal to the City Council in the same manner as outlined in Section 25-10 (b) of this Chapter. The decision of the City Council concerning any extension in the case of lot divisions shall be final. At the time any tentative parcel map is extended, the City Council or the Public Works Director, whichever is applicable, may add any new conditions as they see fit as a condition of the extension of the tentative map approval period, subject to appeal to City Council, in the case of a lot line adjustment.

Section 25-21 Final Parcel Map. When a tentative parcel map has been approved or conditionally approved in accordance with this Chapter, a final map thereof, which shall be in substantial conformance with the approved tentative map, shall be prepared, approved and signed by the Public Works Director, and filed with the County Recorder for recordation. Recordation shall be made within the twenty-four (24) month period above provided, or within



any subsequent extension duly approved. If no final parcel map is submitted for approval within the time limits provided, then all proceedings shall terminate, and no final parcel map of any portion of the land within said tentative parcel map shall be approved or recorded without first processing a new tentative parcel map.

A. Filing - For the purpose of filing a final parcel map with the City, the owner or applicant shall submit to the Public Works Director an original final map tracing, one duplicate tracing, and three blue-line prints thereof. One print shall be returned to the owner or applicant thereafter, showing any corrections to be made, or a statement that the map is correct. When the final parcel map is found to be correct, and the applicant or owner has posted all agreements, improvement securities, and fees, and all other conditions precedent to the approval of the tentative parcel map have been met, the final map shall be certified by the Public Works Director. The map will then be transmitted to the Clerk of the Board of Supervisors for ultimate transmittal to the County Recorder.

B. Required Information on Final Parcel Map - The final parcel map shall contain all of the same information and data as are required on a final tract map, and shall be prepared following the format as described in the Subdivision Map Act. Appropriate certificates for signature by the Public Works Director, the County Surveyor and the engineer or surveyor who prepared the map shall be provided, in a form as required by the Public Works Director and the Subdivision Map Act. The location and description of existing monuments or established lines, the setting of new points and monuments before or after map recordation, and the required survey data to be shown and provided, shall all be done in a similar manner to that required by a final tract map and as required by the Public Works Director. The delineation of lots and parcels, their minimum frontages and widths, and the method of averaging lot sizes shall also conform to the same standards and codes as if the division of land were a subdivision of over four lots. All information shown on the final parcel map shall be based upon a field survey, made in conformance with good engineering and survey practices and with the State Land Surveyors' Act. Final maps for lot line adjustments, as defined in this Chapter, may be based upon record data, if approved by the Public Works Director. Certificates for signature by the Public Works Director, and other required by law and this code, shall be shown on the final parcel maps. The fact that a soil report was made as required in this Chapter shall also be noted on the final map.

Section 25-22 Fees. Fees for the filing of tentative and final parcel maps shall be as determined by Resolution of the City Council.





## Article IV

### REVERSION TO ACREAGE

Section 25-23 Purpose. The purpose of this Article is to provide for, regulate and control the reversion of subdivided real property to acreage.

Section 25-24 Reversion to Acreage. Subdivided real property may be reverted to acreage pursuant to the provisions of this Section and Article 1 of Chapter 6 of the Subdivision Map Act. For the purpose of this Chapter, a reversion to acreage is a process to be used for the combination and consolidation of land previously subdivided by the filing and recordation of a final subdivision tract map where any or all of the following general conditions apply:

1. All or many of the lots or parcels within the boundary of the land originally subdivided are unsold or are under similar ownership.
2. Some or all of the dedications and easements shown on the original final map are not fully improved.
3. Some or all of the public or private improvements originally required as a condition of approval of the original tentative or final tract map are incomplete.
4. The non-use of the land for the purpose originally intended will present a burden on the original subdivider, present owners, the City, or other agencies and parties, and the public safety and welfare indicate that the land could be put to another or better use if it were first reverted to acreage.

A. Initiation of Proceedings by Owners - Proceedings to revert subdivided real property to acreage may be initiated by petition signed by all of the owners of record or their assignees of the property to be reverted. The petition shall be in form prescribed by the Planning Director and shall contain the information required by Section 66499.13 of the Subdivision Map Act, and any such other information as required by the Planning Director.

B. Initiation of Proceedings by Council - The City Council, at the request of any person or on its own motion, may by minute order initiate proceedings to revert property to acreage. The City Council shall direct the Planning Director to obtain the necessary information to initiate and conduct the proceedings as required by law.



C. Required Data - Petitions filed for the initiation of reversion proceedings shall contain the following:

1. Name, address, and telephone number of the record owners of the lots or land to be reverted; and,
2. Evidence of title to the real property within the subdivision, in the form of title reports, recorded deeds, or other data; and either:
  - (a) Evidence of the consent of all of the owners of record to the reversion, which shall also include signatures of parties owning the types of land interests described in Section 66436(b) of the Subdivision Map Act; or,
  - (b) Evidence that none of the public improvements required to be made as a condition precedent to the final approval of the subdivision or parcel map have been made or installed within two (2) years from the date the final map or final parcel map was recorded or filed for record with the County Recorder, or within the time allowed by agreement for completion of the improvements, whichever is the later date; or,
  - (c) Evidence that none of the lots or parcels shown on the final subdivision map or parcel map have been sold within five (5) years from the date the final map or parcel map was recorded or filed for record with the County Recorder.
3. A fee in the amount specified be paid by the owner or owners who initiated the reversion proceedings, or shall be paid by the person or persons who requested the City Council to initiate the proceedings. Such fees shall not be refunded.

D. Final Map - A final map or parcel map showing the boundary of the land being considered for reversion, prepared in the same manner as that required for the final tract map of any subdivision, as specified in Article II herein, and also showing dedications which will not be vacated or abandoned as a result of the reversion and any dedications required as a condition to reversion, shall be filed with the Public Works Director for checking and approval. A parcel map may be used for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership. A map for the reversion to acreage need not be based upon a filed survey if sufficient record data is available. The map, or a tentative copy thereof, shall be submitted at the same time the petition for reversion is submitted.



E. Action by the City Council - Upon receipt of the petition, the Planning Director shall verify its accuracy and completeness, and shall prepare a report on the reversion listing the pertinent items to be considered, any dedications or improvements to be required, and any other information needed or required pursuant to the furtherance of the purpose of this Chapter. Such report and petition shall be transmitted to the City Council, and a public hearing before the Council shall be set within thirty (30) days after its receipt. The Planning Director's report shall also be sent to the owners or person who initiated the proceedings at least three (3) days prior to the date of the public hearing. Notice of the public hearing shall be given as provided in Section 66451.3 of the Government Code. At the public hearing, the Council shall hear the evidence and all interested parties. The City Council may approve a reversion to acreage only if it finds and records by resolution the following:

1. Dedications or offers of dedications to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public uses or purposes.
2. Either:
  - (a) All owners of an interest in the properties to be reverted, as they are described in Section 25-24 C.2, above, have consented to the reversion; or
  - (b) None of the public improvements required to be made as a condition precedent to the final approval of the subdivision or parcel map have been made or installed within two (2) years from the date the final map or parcel map was recorded or filed for record with the County Recorder, or within the time allowed by agreement for completion of the improvements, whichever is the later date; or
  - (c) None of the lots or parcels shown on the final subdivision or parcel map have been sold within five (5) years from the date the final map or final parcel map was recorded or filed for record with the County Recorder.

As a condition of the approval of the reversion to acreage, the City Council may require the following:

1. Dedications or offers of dedication for required streets, alleys, drains, and utilities required for the public safety and welfare, as required by the Public Works Director.





2. Retention of those portions of previously paid fees and deposits to cover the outstanding expenses of the City for engineering, inspection, surveying, testing, administration, and overhead incurred in the processing, checking, or handling of the subdivision or division of land being reverted.
3. Construction of certain public improvements as required by the Public Works Director to provide access, adequate circulation to, around, or through the land being reverted, and essential utility services to the lots or parcels being reverted, or to properties adjacent thereto, or in lieu of construction, the retention of cash fees and deposits previously paid in the estimated amount of the required improvements.
4. Retention of a portion of the improvement securities previously posted or the posting of new improvement securities and agreements to guarantee the construction of any improvements required as a condition of the reversion.

F. Delivery of Final Map and Effect of Recordation - After the public hearing and approval of the reversion, and upon the Public Works Director's certification as to the correctness and sufficiency of the final map, and upon the posting of any agreements or securities, or the completion of any dedications required by the City Council, the Public Works Director shall release the final map for delivery to the County Recorder. Reversion shall be effective upon the final map or parcel map being filed by the City Clerk for recordation by the County Recorder, and thereupon, all dedications and offers of dedication made by the original subdivision or parcel map, or by separate instrument, not shown on the final map of the reversion, shall be of no further force or effect. When a reversion map is recorded, all fees and deposits shall be returned and all former agreements and improvement securities released, except as provided above in Section 25-24 E.

Section 25-25 Fees. Fees for the filing of reversion to acreage of real property shall be as determined by resolution of the City Council.



## Article V

### PUBLIC IMPROVEMENTS, DEDICATIONS, PERFORMANCE AGREEMENTS, AND IMPROVEMENT SECURITIES

Section 25-26 Purpose. The purpose of this article is to define, specify, regulate and control the design and improvement of public works facilities, dedications and offers of dedications, and other requirements imposed as conditions of the acceptance and approval of final tract maps, final parcel maps, the combination of lots, lot line adjustments, reversions to acreage, other public works permits, and all other procedures and processes wherein public improvements, improvement plans and dedications are required as a condition precedent to official City approval either by the Public Works Director, Planning Director, or the City Council, and to describe and regulate the preparation and execution of public improvement performance agreements, improvement securities, bonds and other instruments guaranteeing the completion of any said required public improvements.

Design shall mean street alignment, grade, and width; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; lot size and configuration; vehicular access and traffic safety; grading and erosion control; land to be dedicated for park or recreational purposes; bicycle, bridle, hiking, and recreation trails; and any other specific requirements in the plan and configuration of the subdivision, tract, division of land, development for which a use permit or building permit is requested, combination of lots, lot line adjustment, reversion to acreage, or other process or act requiring City approval or permit as may be necessary or convenient to insure conformity to or implementation of the City General Plan, or any element thereof or of any Specific Plan applicable thereto.

Improvement shall mean and refers to such street improvements and work and utilities to be installed, or agreed to be installed, by the subdivider, owner, applicant, permittee, or land developer on the land to be used for public or private streets, highways, ways, alleys, and easements as are necessary for the general use of the lot owners or residents in the subdivision or development, and traffic and drainage needs as a condition precedent to the approval and acceptance of the final tract map, parcel map, issuance of a use permit, building permit, or other evidence of City approval for an act or development. Improvement shall also refer to such other specific improvements or types of improvements, the installation of which is necessary or convenient to insure conformity to implementation of the City General Plan or any element thereof or of any Specific Plan applicable thereto.





Section 25-27 City Standards. Adoption and Modification thereof. All public improvements, construction, and dedications required and described in this Chapter shall conform to the standards and specifications of the City as specified in this Chapter and in the printed standards on file in the offices of the City Clerk and Public Works Director, and in the applicable portions of the latest editions of the State of California, Department of Transportation "Standard Specifications" and the American Public Works Association "Standard Specifications for Public Works Construction," copies of which are also on file in said offices. Said printed standards and specifications are hereby adopted by this reference. The Public Works Director is hereby delegated the authority to approve improvement plans which are substantially equivalent to the adopted standards.

Section 25-28 Minimum Improvements and Dedications. The minimum public improvements and dedications which shall be required to be made or guaranteed under the provisions of this Chapter shall be as follows:

1. The improvement of public and private streets to provide suitable access and circulation.
2. A sewerage system to provide adequate collection of wastes from each lot, parcel, building, or structure within the area being developed.
3. A water supply system capable of providing adequate water supply and fire protection for each lot, parcel, building, or structure within the area of development.
4. Storm drainage systems to provide the area with suitable protection against inundation, erosion, sedimentation, or damage to on or offsite property.
5. A street lighting system.
6. Traffic control and warning signs, pavement striping and markings, all in conformance with the requirements of State law and the Public Works Director.
7. Installation of landscaping and irrigation facilities adjacent to or appurtenant to other public improvements.
8. Installation of underground utilities, including gas, telephone, electrical, water and sewer services.



9. Dedication of easements necessary to accommodate all of the above improvements.
10. Any other such requirements as needed to insure conformity to or implementation of the City General Plan or any adopted Specific Plan.

Section 25-29 Public Improvements. The following standards and criteria shall apply for the design and construction of all public improvements required under this Title:

A. Streets and Highways:

1. Right-of-Way and Roadway Width - Streets shall substantially conform to the Circulation Element of the General Plan or an adopted Specific Plan. Requirements may exceed General Plan requirements at the request of the developer with concurrence of the Public Works Director. In the absence of a General Plan or Specific Plan, the street system shall relate in location and width to the existing streets in the area adjoining the development or project. Additional right-of-way and improvement may be required to accommodate the provision of trails in accordance with the objectives of the Master Plan of Trails.
2. Right-of-Way and Roadway Width Shall be as Follows:

<u>Type of Street</u>	<u>R/W Width (feet)</u>	<u>Roadway Width (feet between curb faces)</u>
Local	60	40
Cul-de-sac	56 min.	36
Local Collector	64 - 84	44 min.
Secondary	84 - 100	64 - 84
Primary Arterial	100	84
Major Arterial	120 min.	104
Special Sections	See Below	See Below



Streets or highways not falling clearly into listed types or private streets with public service easements may have widths different than those listed as approved by the Public Works Department.

The types of streets identified above shall have the following definitions:

- (a) Local Streets - Local streets shall not be less than sixty feet (60') in width. The right-of-way shall be improved with two travel lanes and two parking lanes.
  - (b) Cul-de-sac - Cul-de-sacs shall have a minimum width of not less than fifty-six feet (56'). The radius at the terminus of the cul-de-sacs shall be not less than fifty feet (50'). Pavement width shall be the same as a local street.
  - (c) Local Collector - Local Collector streets shall not be less than sixty-four feet (64') wide. The right-of-way shall be improved with two twelve-foot (12') travel lanes and two parking lanes, or four eleven-foot (11') travel lanes, with no parking, if traffic warrants.
  - (d) Secondary Arterial - Secondary Arterials shall have a minimum right-of-way of eighty-four feet (84'), improved with a four-lane highway. There shall be limited vehicular access from abutting properties.
  - (e) Primary Arterial - Primary Arterials shall have one hundred feet (100') of right-of-way improved with a six-lane, divided or undivided highway. There shall be restricted vehicular access from abutting properties.
  - (f) Major Arterial - Major Arterials shall have one hundred and twenty feet (120') of right-of-way improved with a six-lane, divided or undivided highway. There shall be restricted vehicular access from abutting properties.
3. Dead-End and Cul-de-sac Streets - Cul-de-sac streets, generally, shall not exceed three hundred feet (300') in length measured along the street centerline from the centerline of the intersecting street to the radius point of the turn-around or bulb end of the cul-de-sac. The property line radius at the terminus of the





cul-de-sac shall be designed so as to provide a uniform parkway width. The curb radius shall be a minimum of thirty-eight feet (38'). Dead-end streets, to be extended at some later date, generally, shall not exceed three hundred feet (300') in length, measured along the street centerline from the centerline of the intersecting street to the terminus of the dead-end street. The ends of dead-end streets shall be improved with temporary turn-arounds as required by the Public Works Director.

4. Frontage Roadways - Along major highways, limited access highways, or freeways, a frontage road separated from the main roadway by an acceptable divider strip may be required.
5. Curved Streets - The centerline radii of curves on streets or highways, except where physical conditions and other special circumstances make compliance impractical, shall be not less than:
  - (a) One thousand feet (1,000') on arterial highways.
  - (b) Five hundred feet (500') on local collector streets.
  - (c) Two hundred and fifty feet (250') on all other streets.
6. Grades - Street grades shall not be less than two-tenths percent (0.2%).
7. Intersections - Street intersections shall be as near to right angles as practicable. Where new streets intersect existing "tee" intersections, the new centerline shall align as closely as possible with that of the opposite street.
8. Continuation of Existing Streets - Streets which are a continuation of streets on contiguous property shall be aligned so as to assure that their centerlines shall coincide. In cases where straight continuations are not physically possible, such centerline shall be continued by curves.
9. Curb Return and Property Line Radii - At the intersections of all streets, where both streets have a right-of-way of eighty feet (80') or greater, the radius of the curb return shall be no less than thirty-five feet (35'); where one of the intersecting streets has a right-of-way width of eighty feet (80') or more, and the other street has a width of less than eighty feet (80'), the



curb return radius at the intersection shall be no less than thirty-five feet (35'). Curb return radii on all other intersecting streets, where both streets have right-of-way widths less than eighty feet (80'), shall be not less than twenty-five feet (25'). The property line radius at the above intersections shall be equal to the curb return radius, less the width of the narrower parkway of the two intersecting streets. In no case shall the parkway width around a curb return be less than eight feet (8') wide. At the intersection of a private street or a public service easement with a public street where the public street has a right-of-way width of eighty feet (80') or more, the curb return shall be no less than twenty-five feet (25') in radius.

10. At the intersection of arterial and primary streets as shown on the Master Plan of Streets and Highways, there shall be a property line cutoff. This cutoff shall be the chord drawn between the intersection points of the curb radius lines of a thirty-five-foot (35') curb radius with the street property lines.

B. Sidewalks and Walkways - Concrete sidewalks shall be installed on both sides of all arterial highways and through streets. Widths shall be in accordance with the Cypress General Plan or as designed by the Public Works Director, but shall not be less than four feet (4') wide in residential areas and five feet (5') wide in multiple-residential zones. Sidewalks may be eliminated in parkways on local streets fronting property zoned for industrial or manufacturing use, provided the parkway is suitably landscaped and irrigated in lieu thereof. Full width sidewalks shall generally be provided on arterial highways and in commercial zones. Walkways between blocks or streets, or at such other locations as required by the conditions of development, shall be dedicated and improved for the convenience of pedestrian traffic, and shall be not less than ten feet (10') in width. Sidewalks, improved to the standards and at the locations specified, shall be provided and installed within common lot areas, between lots, and along private streets and easements in planned residential (PRD), and in condominium projects in accordance with the conditions of development.

C. Street Lighting and Common Area Lighting - Street lights shall be provided and installed on all streets. The lighting system shall be constructed to City standards. Where, in the opinion of the Public Works Director, present conditions or circumstances make the construction of street lights more practical at some later date, a cash deposit, in lieu of their construction, shall be paid to the City, which deposit shall be equal to the prevailing cost of a standard street light divided by the average spacing between any two staggered street lights, multiplied by the street frontage of the property in question. Private streets and



common areas within planned residential and within condominium projects shall be improved by the construction of street and area lighting systems in accordance with approved plans.

D. Street Names and Street Name Signs - All new streets shall be named and all private streets within planned residential developments shall be named. The names shall be chosen by the City, or the subdivider or developer, subject to the review and approval of the City street naming committee. Street name signs, bearing block numbers, shall be installed at intersections of all streets and highways and private, named streets, and at such other locations designated by the Public Works Director. All street name signs shall conform to the standards as established by the Public Works Director as to size, color, height, lettering, and other details. Fees to pay for the furnishing and installation of street name signs by City forces shall be collected from the developer or subdivider.

E. Parkway Trees - Parkway trees shall be installed along all streets and highways. The trees shall be installed in the manner and shall conform to the size and species specified in the City Townscape Plan and by the Public Works Director. In full-width sidewalks, tree wells shall be provided as required for the trees. Fees to pay for the furnishing and installation of parkway trees by City forces shall be collected from the developer or subdivider. On streets adjacent to industrial, manufacturing, or planned residential zones, parkway trees may not be required, provided they are replaced by trees or other suitable landscaping planted on adjacent properties in conjunction with approved, onsite landscaping.

F. Median Islands - Raised median islands shall be required in accordance with the provisions of the General Plan.

G. Alleys and Public Service Easements - Alleys may be required on all sites zones for or to be used for industrial, commercial or multiple-family purposes when the lot layout, safety of access, provision of legal access or public service needs makes such public access necessary. Where the lot is large, under single ownership and the conditions applicable for public alleys are not present, a public service easement, improved to City standards, may be required in lieu of an alley. The purpose of said public service easement is to provide an easement for all public and private utilities, including cable T.V., and to provide an access easement for all public service vehicles, including, but not limited to, emergency vehicles, police patrol, fire inspection, and refuse collection trucks. The property owner may otherwise control access and shall be responsible for maintenance of the roadway improvements within said public service easement. Alleys or public service easements may be required at the rear of all property fronting directly upon major highways and secondary streets and may be required at other locations where necessary to prevent undue interference with traffic. Where alleys or public service easements intersect, the corners shall be provided with cutoffs to provide





sight-distance and to facilitate turning. Cutoffs shall be triangularly shaped, having fifteen-foot (15') (minimum) sides on each alley, or spandrel shaped, having a twenty-five-foot (25') (minimum) radius. Alley and public service easement dedications shall include the cutoff areas.

All alleys and public service easements shall be constructed in accordance with City development standards as to design, alignment, width, and method of improvement, with the minimum width of any alley or public service easement being twenty-six feet (26'). As a condition of tentative or final map approvals, existing alleys in need of reconstruction or upgrading, where determined by the Public Works Director, may be required to be reconstructed or upgraded, or in lieu thereof, a reasonable cash deposit in the amount of the estimated cost of improvement, shall be deposited with the Public Works Director.

H. Drainage and Grading Improvements - Drainage facilities shall be provided and installed as necessary to protect the lots, parcels, buildings, or structures involved from flooding, and to prevent excessive flooding of the public streets therein or abutting the property. The facilities shall be designed to prevent excessive flooding of the first floor level, as defined by the Federal Insurance Administration, from storm runoff emanating from a 100-year frequency storm. Public streets shall be protected from flooding from runoffs of a 10-year frequency storm, in accordance with City Standards or approved equivalent. Protection to higher levels may be required by the Public Works Director, dependent upon the degree of flood risk involved, the topography, location, local drainage patterns, and the requirements of the Orange County Flood Control District. Hydrologic and hydraulic calculations and studies for all such facilities shall be subject to the review and approval of the Public Works Director.

All grading done in conjunction with the development of the tract or property concerned shall be performed in conformance with the City Building and Grading Code and with good engineering practices. On and offsite storm drain facilities and the site grading shall be so designed and constructed to prevent undue erosion of the site or offsite properties, and to prevent excessive deposits of mud, silt, or debris upon any public street or easement, or within any channel, storm drain facility, swale, or watercourse. Fees shall be collected as a condition of the final approval of a subdivision map for the purpose of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas. The fee shall be calculated in accordance with the City Master Plan of Drainage, or any applicable element of the City General Plan and established by resolution of the City Council.



I. Sewerage Facilities - Sewer mains, manholes, and appurtenances shall be constructed to serve the subdivision, lot, parcel, building, or structure, and individual laterals shall be provided to each lot and parcel therein. All such facilities shall be installed prior to the paving of the streets, alleys, or improvement of the easements within the development. Sanitary sewers shall be constructed to the sizes, lines, grades, and design in accordance with City Standards or approved equivalent, and as required by any Master Plan of Sewers or Element of the General Plan or any Specific Plan in effect. Fees shall be collected as a condition of the final approval of a subdivision map for the purpose of constructing planned sanitary sewer facilities for local sanitary sewers in accordance with the City's Master Sewerage Plan or any applicable element of the City General Plan.

J. Water Supply System - Water mains, services, meters, cross connection control, valves, fire protection facilities, and all other appurtenances of the water system shall be provided to the sizes, lines, grades, and design in accordance with City Standards or approved equivalent, applicable State law, and the Fire Marshal. All mains, services, and appurtenances shall be installed prior to the paving of the streets or alleys or easements within the development. Connection charges, water main reimbursements, front footage charges, and all other fees related to water systems shall be paid.

K. Driveways and Access - The location of driveway depressions and access points within a subdivision or planned residential development project, or other development shall be as shown on the approved tentative map, concept plan, or site plan, or in their absence as determined by the Public Works Director, in accordance with sound traffic engineering principles and practices. Driveways and access points shall be improved in the manner and to the extent as determined by the Public Works Director, subject to the following general provisions:

1. Driveway depressions shall be a minimum of fifteen feet (15') in width.
2. Driveway depressions on a single parcel or lot shall be separated by at least twenty-two feet (22') of full curb height.
3. Maximum width of driveway depressions in single-family zones:
  - (a) where lot has one or two-car garage: twenty-five feet (25').
  - (b) where lot has a three-car garage: thirty feet (30').



4. Maximum width of driveway depressions in other, higher density or use zones: Thirty feet (30'), except as otherwise approved by the Public Works Director, in accordance with sound traffic engineering principles and practices.
5. No part of a driveway depression or transition shall encroach onto adjoining property frontages. A minimum of two feet (2') of full-height curb is required between the property line and top of "X."
6. Driveways shall be constructed symetrically and shall be at right angles to the centerline of the street or radial to the street on curbed streets.

Where alleys are available to provide access to a parcel or a property, or where other access is available to a local street, the approval of driveway access or the issuance of a permit for a driveway from said parcel or property to any street designated as a major, primary, or secondary street on the Circulation Element of the General Plan may be prohibited by the Public Works Director. Where the construction or widening of any street, or the development of any parcel or property requires the striping or restriping of any pavement, the painting of turn pockets, medians, edge lines, or other pavement markings, or the installation of warning or advisory signs, in order to provide safe traffic flow or access to or from said property, parcel, or development, all such work shall be done at no cost to the City of Cypress, in accordance with City standards or their equivalent as determined by the Public Works Director, the State Department of Transportation, Vehicle Code, and other applicable codes.

L. Landscaping - The open space and other areas owned in common in planned residential and condominium projects shall be provided with landscaping and irrigation facilities in accordance with plans to be approved by the Planning Director. These improvements shall be included in the improvement securities posted for any subdivision or development requiring same. An agreement shall be entered into between the developer and the City of Cypress and a bond shall be posted to guarantee maintenance of the irrigation system so that it operates in the manner for which it was designed, and to guarantee maintenance of all plant materials in a healthy, growing condition, free of weeds and litter, for a period of not less than twelve (12) months, to the specifications of City staff. Soil in planting areas shall be tested by a qualified agricultural laboratory to determine the organic and chemical amendments for optimum growth for the plants specified. The test results shall include concentration of nitrogen, phosphorus, potassium, pH, salinity, sodium status and boron saturation extract. Results of these tests with recommendations of the agricultural laboratory shall be furnished to the Public Works Department for approval at least thirty (30) days prior to planting date.





M. Traffic Signals - Construction, modification, or upgrading of traffic signals and appurtenances may be required as a condition of the approval of any subdivision, land division, use or building permit, if the additional traffic generated by the tract or development, the safety of the traveling public, the increased use of the streets, or other unusual circumstances require said construction. Where the development of a subdivision or other project will be phased over a period of time, and, in the opinion of the Public Works Director, the full effect of the increased burden on the streets will not be felt for a period of time, the subdivider or developer may be required to deposit a cash amount in the estimated value of the traffic signal improvements ultimately to be made, which sum shall be used at such time as the construction of the signal and appurtenances is warranted. In lieu of a cash deposit, the subdivider/developer may be permitted to post a bond or other surety to guarantee the installation of required traffic signals in a form satisfactory to the Public Works Director and City Attorney. The exact amount, details, and timing of the deposit and future construction shall be subject to an agreement between the City and the subdivider or developer.

N. Walls - A masonry wall or equivalent thereof shall be constructed along the sides of all arterial, primary, and secondary highways, where the abutting lots or parcels have alternate access to other streets, and where access rights to the arterial, primary, or secondary highway from the abutting lots have been or are required to be dedicated to the City. The exact type of construction, design, and height of the walls, shall be in accordance with City standards or approved equivalent. Retaining walls shall be required where there is a difference of one foot (1') or more in grade.

## Section 25-30 Bridge Crossing and Major Thoroughfares.

### A. Purpose.

1. The purpose of this Section is to make provision for assessing and collecting fees as a condition of approval of a final subdivision map or as a condition of issuing a building permit for the purpose of defraying the actual or estimated costs of constructing bridges or major thoroughfares pursuant to Section 66484 of the Government Code.
2. Whenever this Section refers to the Circulation Element of the General Plan or the transportation or flood control provisions thereof, it shall mean the Circulation Element of the General Plan and the transportation and flood control provisions thereof heretofore adopted by the City pursuant to Chapter 3 of Title 7 of the Government Code, together with any additions or amendments thereto hereafter adopted.



3. Notwithstanding the provisions of subdivision (1) and (2) of this section:

- (a) Payment of bridge fees shall not be required unless the planned bridge facility is an original bridge serving the area (or an addition to any existing bridge facility serving the area) at the time of adoption of the boundaries of the area of benefit.
- (b) Payment of major thoroughfare fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the area of benefit.

C. Public Hearing.

- 1. Prior to establishing an area of benefit, a public hearing shall be held by the City Council, at which time the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment shall be established. Notice of a hearing shall be given pursuant to Section 65905 of the Government Code and in addition shall contain preliminary information related to the proposed boundaries of the area of benefit, estimated cost and the method of fee apportionment proposed.

D. Protest.

- 1. At any time not later than the hour set for hearing objections to the proposed bridge facility or major thoroughfare, any owner of property within the proposed area of benefit may file a written protest against the proposed bridge facility or major thoroughfare or against the extent of the area to be benefited by the improvements or against both of them. Such protests must be in writing and must contain a description of the property in which each signer thereof is interested, sufficient to identify the same and if the signers are not shown on the last equalized assessment roll as the owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property. All such protests shall be delivered to the City Clerk and no other protest or objections shall be considered. Any protests may be withdrawn by the owners making the same, in writing, at any time prior to the conclusion of the public hearing.



2. If there is a written protest filed with the City Clerk by the owners of more than one-half of the area of the property within the proposed area of benefit, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the City Council shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvements under the provisions of this Section.

E. Exemptions - Notwithstanding the provision of Section 25-30 (C), payment of such fees shall not be required for:

1. The use, alteration or enlargement of an existing building or structure or the erection of one or more buildings or structures, accessory thereto, or both, on the same lot or parcel of land; provided, the total value, as determined by the Public Works Director, of all such alteration, enlargement or construction completed within any one-year period does not exceed one-half of the current market value, as determined by the Public Works Director, of all existing buildings on such lot or parcel of land, and the alteration or enlargement of the building is not such as to change its classification of occupancy as defined by Section 501 of the Uniform Building Code.
2. The following accessory buildings and structures: private garages, children's playhouses, radio and television receiving antennas, windmills, silos, tank houses, shops, barns, coops and other buildings, which are accessory to one-family or two-family dwellings.

F. Consideration in Lieu of Fees - Upon application by the subdivider or applicant for a building permit, the City Council may accept consideration in lieu of fees required pursuant to this Section, provided:

1. The City Council finds upon recommendation of the Public Works Director that the substitute consideration has a value equal to or greater than the fee;
2. The substitute consideration is a form acceptable to the City Council.





Section 25-31 Supplemental Improvements. Reimbursement Therefore - Improvements installed or required to be installed as a condition of a subdivision, tract or division of land may be required by the Advisory Agency to contain supplemental size, capacity, number, or amount for the benefit of adjoining or nearby properties not within the tract or lot division. All such additional or supplemental facilities shall be dedicated to the City for public use in a manner approved by the City Attorney. When such additional or supplemental improvements or facilities are required, the City may enter into a reimbursement agreement with the subdivider or developer, in a form approved by the City Attorney, which shall provide for reimbursement to the subdivider or developer from all future parties or properties benefited by the presence, use, or availability of the additional improvements or facilities. The amount of the reimbursement shall be equal to the difference in cost between the total actual cost of the improvements, including the additional or supplemental facilities and the cost of the improvements had not the additional or supplemental items been required.

Section 25-32 Underground Utilities and Service Lines. Pursuant to the requirements of this Section, whenever any tentative tract or parcel map or map for the reversion of lots to acreage is filed, all electrical, telephone, community antenna television and similar wires, cables, services and appurtenances which provide direct service to the property being subdivided, divided or developed, shall be installed underground, and all existing facilities providing direct service to the building, structure or development being added to or rebuilt shall be undergrounded as a condition precedent to the approval of such tentative or final parcel map or subdivision tract map, by the City Council, Public Works Director or City staff, whichever is applicable. All extensions of existing electrical power, telephone, communication, and cable television lines, hereinafter constructed in the City of Cypress shall be placed underground. All utility undergrounding shall be installed and performed at no expense to the City of Cypress, subject to the applicable rules, regulations and tariffs of the respective utility or utilities on file with the California Public Utilities Commission.

A. Exceptions - The provisions of this Section shall not apply to:

1. Any municipal equipment or facilities installed under the supervision of and to the satisfaction of the Public Works Director.
2. Poles, overhead wires and cables and associated overhead structures and appurtenances used for the transmission of electrical power at nominal voltages in excess of 34,500 volts.
3. Antennae, receivers, associated equipment and supporting structures used by a utility for communication services.
4. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestals, terminal boxes, meter cabinets, vents, and the like.



5. Temporary poles, wires, and overhead structures and associated equipment used or to be used in conjunction with construction projects, or installed and maintained for a period of ten (10) days or less for emergency reasons.
6. Any equipment or facilities owned or operated by the State of California or the Federal Government.

B. Appeal - Where the enforcement of the provisions of this Section would result in undue hardship on the part of a utility, subdivider, or developer, application for exception from the provisions herein may be made in the following manner:

1. Written application shall be filed with the Public Works Director.
2. Such written application shall include all information, facts and figures necessary to properly advise and inform the Public Works Director of the circumstances which require such appeal and create such hardship.
3. The Public Works Director shall consider the application and the facts thereon, and shall, within twenty (20) days after its filing, grant or deny the appeal, or modify the requirements which caused the appeal, and shall notify the appealing party in writing of his decision. Any action or decision taken or made by the Public Works Director may be appealed to the City Council in the same manner as required for appeals from the requirements of a use or building permit.

Section 25-33 Soils Report. Unless otherwise specified herein, a preliminary soils report, prepared by a civil engineer registered in the State of California, shall be required for every division of land for which a tract map or a parcel map is required. The Public Works Director may waive the requirement for such a report if, due to reports on file, or his knowledge of the existing soil conditions and qualities within the land to be divided, he finds that such a preliminary report is not necessary. If the number of lots or parcels involved in the division is small, or if their development is to be deferred, the Public Works Director may also defer the requirement for a soils report until such time as grading or building permits are requested on the lots or parcels. Unless specifically required otherwise, a preliminary soils report shall not be required for a lot line adjustment, or for the approval of a map for the reversion of divided land to acreage. Any such preliminary soils report shall be based upon sufficient test borings, and shall indicate the character and quality of the land and soils within the area being divided. If the preliminary soils report indicates the presence of critically expansive soils, or conditions indicating slippage, soil movement, lack of compaction, seismic activity, or any other conditions, which if not corrected, could lead to possible structural damage or defects to structures or



dwelling built upon the land, then the Public Works Director may require a soils investigation on each lot or parcel in the proposed division. The report shall recommend corrective actions to be taken which are likely to prevent said defects or damage, and such recommendations shall be required to be implemented as conditions precedent to the issuance of building permits for dwellings or structures on the lots or parcels involved. When a soils report is required, it shall be completed and submitted to the Public Works Director prior to the City Council approval of the final tract map. The date of preparation of the report, the name of the responsible civil engineer, and the business or firm name with whom he is associated, shall be noted upon the final tract map or final parcel map.

Section 25-34 Inspection of Public Improvements. All construction of improvements under this Chapter shall be subject to inspection and testing by the Public Works Director, or his authorized representatives, to insure compliance with the standards and specifications specified and required by this Chapter. All work and improvements must be found to conform to said standards and specifications as a condition of the City's acceptance of them and the release of any improvement securities held therefor. No construction shall commence or continue without first having arrangements made with the Public Works Director or his staff for inspection. The Public Works Director and his authorized representatives shall have the right to stop any work or refuse to inspect any work or reject any or all work and construction if it is found that the work is unauthorized, is unsafe in any way to the workmen or the public, is inferior in materials or workmanship, was performed without inspection, or does not meet or comply with the City standards, specifications, or City-approved construction plans. Reasonable access to the construction and work shall be provided at all times so that full knowledge of the progress, workmanship, and character of the materials used in the work can be gained.

Section 25-35 Improvement Plans, Drawings, and Related Items. All public or private improvement plans, profiles, descriptions, studies, calculations, notes, surveys, and drawings required under the provisions of this Chapter shall be provided at no expense to the City of Cypress and shall be prepared in accordance with this Section and as required by the Public Works Director. Construction plans for street, alley, drainage, sewer, and water improvements and for any other improvements as required, shall be drawn on standard City tracing cloth or sheets, in india ink, and shall be filed with the Public Works Director for his checking and review prior to their approval. All maps, sketches, descriptions, estimates, plans, and other drawings and items required to fulfill the requirements of this Chapter shall also be provided in the form, content, number, and detail as specified by the Public Works Director. The plans and profiles of all required and proposed public and private improvements in a subdivision shall be furnished to the Public Works Director and shall be ready for his approval before a final tract map of the subdivision is presented to the City Council for approval. No construction work shall commence on any of the improvements shown on any construction or improvement





plans required herein until said plans have been reviewed and approved and signed by the Public Works Director. After approval and signature by the Public Works Director, all original linens or tracings shall become the property of the City of Cypress, and may be released thereafter for reproduction or other purposes, only to bonded blueprinting or reproduction agencies, firms, or individuals.

Section 25-36 Safety and Public Convenience. All public and private improvements constructed in the City of Cypress shall be built, provided, and worked on in a safe manner. Workmen, pedestrians, and vehicular traffic shall be protected as required by the applicable regulations and provisions of the State, Federal and City laws. No person, firm, corporation, partnership, association, contractor, or subcontractor shall conduct his work or operations in any way which presents a clear and present danger or hazard to life or property, or which unreasonably interferes with the rights of the citizens of the City or the public. Any such person, firm, etc., found to be in violation of this Section shall be guilty of a misdemeanor, and shall be cited in accordance with law.

Section 25-37 Reservation of Land for Public Uses. Real property within the boundaries of a final subdivision tract map or parcel map shall be reserved for parks, recreational facilities, fire stations, libraries, or other public uses, subject to the following conditions:

A. Standards for Reservations - The requirement for a reservation of real property shall be based upon a duly adopted Specific Plan or an adopted General Plan containing a community facilities element, open space element, a recreation and parks element, or a public building element, and the required reservations shall be in accordance with definite principles and standards contained therein. The reserved area shall be of such size and shape to permit the balance of the property within which the reservation is located to develop in an efficient and orderly manner, and the amount of land reserved shall not make development of the remaining land held by the subdivider or developer economically unfeasible. The reserved area shall conform to the adopted Specific or General Plan and shall be in such multiples of streets, lots, and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period; in such an event the subdivider or developer shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose, consistent with good subdividing practices.

B. Procedure - The City or other public agency for whose benefit an area has been reserved shall at the time of approval of the final tract map or parcel map enter into a binding agreement, in a form approved by the City Attorney, to acquire such reserved area within two years after the completion and



acceptance by the City of all improvements required as a condition of the approval of the map, or, if no improvements were required, within two years from the date of recordation of the tract map or parcel map, unless such periods of time are extended by mutual agreement.

The purchase price shall be the fair market value as determined by the City of the reserved land, determined at the time of the filing of the tentative tract map or parcel map, plus the taxes against the reserved area from the date of the reservation, and any other costs incurred by the subdivider or developer in the maintenance of the reserved area, including interest costs incurred on any loan covering such reserved area.

C. Termination of Reservation - If the City or other public agency for whose benefit an area has been reserved does not enter into such a binding agreement, the reservation of such area shall automatically terminate.

Section 25-38 Dedication of Elementary School Sites. Any subdivider who develops or completes the development of one or more subdivisions in one or more elementary school districts, shall be required to dedicate to the school district or districts, within which the subdivisions are to be located, such land as the City Council shall deem necessary for the purpose of constructing thereon such elementary schools as are necessary to assure the residents of the subdivision adequate public school service. The amount of land to be dedicated shall not exceed that which would make the development of the remaining land held by the subdivider economically unfeasible, or exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board.

This requirement shall not apply to a subdivider who has owned the land being divided for more than ten (10) years prior to the filing of the tentative tract map or maps in accordance with this Chapter.

This requirement of dedication shall be imposed at the time of approval of the tentative tract or parcel map by the City Council. If, within thirty (30) days after the approval of the tentative map upon which the school site dedication requirement has been imposed, the elementary school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement for dedication shall be terminated automatically. The required dedication may be made any time before, concurrently with or up to sixty (60) days after the filing and recordation of the final map with the County Recorder.

The school district shall, in the event it accepts the dedication, repay to the subdivider or his successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

A. The cost of any improvements to the dedicated land since acquisition by the subdivider.



B. The taxes assessed against the dedicated land from the date of the elementary school district's offer to enter into the binding commitment to accept the dedication.

C. Any costs incurred by the subdivider in the maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

If the dedicated land is not used by the school district as a school site within ten (10) years after the dedication, the subdivider shall have the option to repurchase the property from the district for the amount paid therefor.

The elementary school district to which the property is dedicated shall record a certificate with the County Recorder of Orange County, which certificate shall contain the following information:

1. The name, address, zip code, and telephone number of the subdivider dedicating the property.
2. A legal description of the real property dedicated.
3. A statement that the subdivider dedicating the property has an option to repurchase the property if it is not used by the school district as a school site within ten (10) years after dedication.
4. Proof of the acceptance of the dedication by the school district, and the date of the acceptance.

The certificate shall be recorded not more than ten (10) days after the date of acceptance of the dedication. The subdivider shall have the right to compel the school district to record such certificate, but until such certificate is recorded, any rights acquired by any third party dealing in good faith with the school district shall not be impaired or otherwise affected by the option right of the subdivider.

If any subdivider is aggrieved by, or fails to agree to the reasonableness of any requirement imposed pursuant to this Section, he may bring a special proceeding in the superior court pursuant to Article 3 of Chapter 7 of Division 2 of Title 7 of the California Government Code (Section 66499.37).

Section 25-39     Dedication of Land for Public Use.     The purpose of this Section is to describe the manner in which dedications to the City of Cypress shall be required, and processed, and to describe and set standards for the various kinds of dedications and easements required.





A. General - The public need, safety, and general welfare requires that dedications, offers of dedication, and irrevocable offers of dedication of real property for various public uses be made to the City of Cypress as conditions precedent to the approval or conditional approval of subdivision tract maps, parcel maps, reversions to acreage, lot line adjustments, and consolidations and combinations of lots and parcels, or any other action or event requiring evidence of official City approval. Dedications may be required for streets, highways, alleys, public service easements, ways, courts, walkways, bicycle trails, bridle trails, recreation trails, abutter's rights, vehicular and pedestrian access rights, slopes, storm drains, watercourses, flood plains, sewers, waterlines, water rights, public utilities, traffic signal facilities, environmental enhancement, landscaping, parks, recreation areas, and for all other public uses not specified, if found to be required to conform to or implement the City General Plan or any element thereof or any applicable Specific Plan. Dedications may also be required by the City of Cypress on behalf of any other public agency or district.

B. Dedication Requirements - Dedications for streets and highways shall be to the widths designated in Section 25-29A (1) of this Chapter and as designated on the Circulation Element of the City General Plan, or as designated on an approved Specific Plan, or other official plan. Deviations may be allowed for streets and highway widths not shown on the Circulation Element or on any approved Specific Plan, based upon the land use, traffic volumes, and other factors as determined by the Director of Public Works. Dedications for other public easements shall be based upon the need for service, accessibility, topography, clearances available, and other circumstances and factors as determined by the Public Works Director. Easements for sewers, drains, and waterlines generally shall not be less than ten feet (10') wide.

C. Method of Dedication - All dedications shall be made to the City of Cypress in conformance with the following:

1. By Final Subdivision Tract Map - All streets, highways, alleys, easements, and parcels offered for dedication or to be dedicated shall be clearly indicated on the final map of a tract. They shall be clearly described in the appropriate certificate on the title sheet of the map. Access rights dedications shall likewise be shown and described on the final map. The certificate shall be signed and acknowledged by all those parties having any record title interest in the property being subdivided, as specified in Section 66436 of the Subdivision Map Act.
2. By Parcel Map - If dedications or offers of dedication are made requirements of the tentative or final approval of any land division requiring a parcel map, such dedications and offers shall be made by separate instrument, prepared in a form



approved by the City Attorney, which shall be signed, executed, and acknowledged by all parties having title interest in the property or rights being dedicated. The instruments shall be accepted by the City in the manner required by and shall be recorded with the County Recorder prior to the final approval of the parcel map. The book and page and place of recordation shall be shown on the map, and the new dedications shall be delineated on the final map. In special circumstances, because of the length or complexity of a description of an easement, or because of other significant reasons, the subdivider may request that such dedications required as a condition of approval of the parcel map be made by parcel map, as provided in Section 66447 of the Subdivision Map Act, provided the proper certificates, signatures, and acknowledgements are affixed, as would be required if the map were a final tract map. It shall be at the discretion of the Public Works Director whether or not to grant the request, and if granted, the final parcel map, fully executed, shall be put before the City Council in the same manner as described for a final tract map.

3. By Separate Instrument - Where dedications are made requirements of the final approval of a lot consolidation, a lot combination, or the approval and issuance of a use permit, building permit, or any other permit, and no final tract or parcel map is required to be filed and recorded as a condition thereof, then the required dedications shall be made by separate instrument in a form approved by the City Attorney, which shall be signed, executed, and acknowledged by all parties having title interest in the property or rights being dedicated. Preparation, execution, and delivery of the fully executed instrument shall be made prior to the final approval by the City of the consolidation, lot combination, or permit being requested.

D. Acceptance or Rejection of Dedications:

1. By Subdivision Tract Map - At the time of final map acceptance and approval by the City Council, the Council may accept, accept subject to improvement, or reject any or all dedications or offers of dedication. The City Clerk shall certify on the map the action by the Council. If at the time the map is approved, any dedications for streets, paths, alleys, or other purpose are rejected, the offer of dedication made by the



owners shall remain open, and the City Council may by resolution at any later date, and without further action by or notice to the subdivider, rescind its action and accept and open the streets, paths, alleys, or other dedications and easements for public use, which resolution of acceptance shall be recorded with the County Recorder.

2. By Parcel Map or Separate Instrument - If dedications are offered on the title sheet of a parcel map as described in Section 25-38 C (2), then they may be accepted, or rejected in the same manner as outlined immediately above. If dedications are made by separate instrument to the City of Cypress, they shall be accepted as required by Section 27281 of the State Government Code, and shall thereupon be delivered to the County Recorder for recordation. The City may require an offer for dedication to be made by separate instrument which offer may be accepted or rejected in the same manner as outlined in Section 25-38 D (1).

E. Public Access - All vehicular and pedestrian access rights shall be dedicated to the City of Cypress for those lots abutting any major, primary, secondary, or collector street, flood control channel, park or bike trail except as designated areas.

#### Section 25-40     Agreements and Improvement Securities.

A. Agreements - The construction of all public improvements required as a condition of the approval of a subdivision map, a parcel map, or any other type of permit, or required as the condition of approval of a reversion to acreage, or lot consolidation or combination, shall be guaranteed by the execution of a suitable agreement, in a form prescribed herein and approved by the City Attorney. All such agreements shall contain the terms and conditions to be met by the subdivider, developer, or permittee, and shall specify a reasonable time in which to construct the improvements or perform the requirements and obligations of the agreement. The time allowed for the completion of the work shall be as specified by the Public Works Director and shall depend upon the amount and complexity of the work involved, the type of development, and any other factors he may deem important. All agreements shall be executed by the owner, or developer or the subdivider of the property or land being divided or developed. The signatures shall be acknowledged before a Notary Public and the agreements shall be accompanied by evidence substantiating the signer's position, title, and authority to bind the person, company, partnership, corporation, joint venture, or other entity to the actions and obligations contained in the agreement.





Prior to the expiration of the time allowed by the agreement in which to perform or complete the obligations contained therein, the subdivider, owner, or developer who executed the agreement may request, in writing, that the Public Works Director extend the term of the agreement. The written request shall contain the reasons for the requested additional time, the length of the additional time requested, and any other data deemed necessary or informative. The request shall be accompanied with written concurrence from the surety or bonding company whose bonds or securities were posted as a guarantee of the performance of the agreement, and a statement from the surety that they agree with and have no objection to the extension of time as requested by the agreement principal. Upon consideration of the written request, and the evidence presented, the request shall be acted upon and shall be either approved, rejected, or modified. Additional requirements or compliance with updated standards may be imposed by the City Council as a condition of approval of such time extension.

B. Improvement Securities - Improvement securities shall be required to be posted as a guarantee of the performance of any act or obligation required as a condition of the approval of any final tract map, parcel map, reversion to acreage, lot consolidation or combination. Unless otherwise provided herein, all such improvement securities shall be one of the following:

1. A cash deposit, made with the City of Cypress.
2. A time certificate of deposit, or a savings passbook, made out to or assigned to the City of Cypress in a form approved by the City Attorney and City Treasurer.
3. A bond or bonds from a duly authorized corporate surety.

Cash bonds, certificates, and surety bonds shall be in a form prescribed by the Public Works Director, subject to the approval of the City Attorney. Improvement securities shall be in the amount of the total estimated cost of all the required improvements and conditions, which amount shall include an amount equal to ten percent (10%) of the total estimated cost for the purpose of securing payment to the City for its costs for overhead, administration, and other costs and expenses pertaining to the subdivision, division, or project.

C. Improvement Securities for Land Divisions - Improvement securities posted as a guarantee of the performance of an agreement or act made a condition of the approval of a land division or reversion requiring a parcel map or tract map, shall be in the following amounts for the following purposes:

1. One hundred percent (100%) of the total estimated cost of all of the required public and private improvements within the land division or reversion conditioned upon the faithful performance of the agreement, act or contract.



2. One hundred percent (100%) of the total estimated cost of all the required public and private improvements within the land division or reversion securing payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act.

D. Improvement Securities for Lot Combinations, Consolidations and Other Permits - Improvement securities posted as a guarantee of the performance of any agreement, act, or contract made a condition of the approval or issuance of a lot combination or consolidation, or other permit, shall be in an amount equal to one hundred percent (100%) of the total estimated cost of all of the required public and private improvements required. Surety bonds therefore shall be in the form as prescribed by the City Attorney and the Public Works Director.

E. Release and Reduction of Improvement Securities - The securities posted in conformance with Subsections (c) and (d) above, may be released in whole or in part, as specified in Section 66499.7 of the California Government Code, upon receipt of a written request from the principal.

The Public Works Director shall determine the validity of the request, and if all of the work has been satisfactorily completed, and all of the requirements imposed have been met, and all cash fees, charges, and assessments have been paid in full, and all required departmental releases have been granted, then the improvement securities may be released in the manner specified by law and the improvements and work accepted by the filing of a written instrument with the City Clerk, signed by the City Official so designated and empowered to do so by the City Council. If only a portion of the work has been completed, the Public Works Director may recommend the reduction of the face amount of the security held for faithful performance to an amount equal to the estimated total cost of the improvements remaining. Such reduction shall be approved upon the filing of a written instrument with the City Clerk, signed by the City Official so empowered to do so by the City Council.

No reduction in the amount of improvement securities held shall be authorized or approved for an amount less than one hundred percent (100%) of the total estimated cost of the remaining improvements, and the total amount of securities held shall not be reduced to an amount less than twenty percent (20%) of the total securities, until final completion and acceptance of any or all of the improvements constructed at the time of the reduction. It shall only be construed as an acknowledgment of the completion of a portion of the required work.

F. Additional Amounts of Security Required - All improvement securities shall also secure the faithful performance of any changes or alterations in the work to the extent that the changes or alterations do not exceed ten percent (10%) of the total estimated cost of the required improvements.



G. Exceptions - Under special circumstances, as determined by the Public Works Director, the requirement for improvement securities required for the guarantee of an act, obligation, or agreement made a condition of a building or use permit, public works permit, lot consolidation or combination, or other act or process not involving a subdivision tract map may be waived, provided a suitable agreement guaranteeing completion of the required act, or obligation, is executed. Such circumstances may include or be related to the size of the proposed building, structure, or addition, its permit valuation, the estimated value or cost of the required improvements; the condition and makeup of the surrounding or adjacent areas, the likelihood of other improvements in the area, the status of other public improvements in the area, and the demonstrated financial responsibility of the developer or applicant involved.





## Article VI

### PARK AND RECREATIONAL FACILITIES

Section 25-41 Provision of Park and Recreational Facilities. Every subdivider who subdivides land shall dedicate a portion of such land, pay a fee, or do both as set forth in this article for the purpose of providing park and recreational facilities, including recreational community gardening facilities, to help serve the future residents of such subdivision.

Section 25-42 Applicability. The provisions of this article shall apply to all subdivisions, as that phrase is defined in the Subdivision Map Act, except subdivisions for which tentative subdivision maps have been filed within thirty (30) days after the effective date of this article. Provisions of this section do not apply to commercial or industrial subdivisions; nor do they apply to condominium projects or stock cooperatives which consist of the subdivision of air space in an existing apartment building which is more than five (5) years old when no new dwelling units are added.

Section 25-43 Relation of Land Required to Population Density. It is hereby found and determined:

A. That the public interest, convenience, health, welfare and safety require that three (3) acres of property for each one thousand (1,000) persons residing within this City be devoted to park and recreational purposes.

B. That said requirement will be satisfied in part by a cooperative arrangement between the City and the local school districts and local park and recreation districts to make available one and one-half (1½) acres of property for each one thousand (1,000) persons residing within the City for park and recreational purposes; and

C. That the remainder of the required three (3) acres shall be supplied by the requirements of this article and the recreation program of the City.

Section 25-44 Population Density. Population density for the purpose of this Article shall be as determined by Resolution of the City Council.

Section 25-45 Amount of Land to be Dedicated. The amount of land required to be dedicated by a subdivider pursuant to this article shall be based on the gross area included in the subdivision, determined by the following formula:



## DENSITY FORMULA

Net density per dwelling unit	Percentage of the gross area of the subdivision required when park land is dedicated
1 D.U. per acre or more. . . . .	0.60%
1 D.U. per 1/2 to 1 acre . . . . .	1.20%
1 D.U. per 10,000 sq. ft. to 1/2 acre. . . . .	1.73%
1 D.U. per 9,000 to 9,999 sq. ft. . . . .	2.70%
1 D.U. per 8,000 to 8,999 sq. ft. . . . .	3.01%
1 D.U. per 7,000 to 7,999 sq. ft. . . . .	3.40%
1 D.U. per 6,000 to 6,999 sq. ft. . . . .	3.90%
1 D.U. per 5,000 to 5,999 sq. ft. . . . .	4.58%
10 to 19 D.U.'s per acre . . . . .	5.79%
20 to 29 D.U.'s per acre . . . . .	9.30%
30 to 39 D.U.'s per acre . . . . .	12.56%
40 to 49 D.U.'s per acre . . . . .	15.58%
50 to 59 D.U.'s per acre . . . . .	18.40%
60 to 69 D.U.'s per acre . . . . .	21.05%
70 to 79 D.U.'s per acre . . . . .	23.54%
80 to 89 D.U.'s per acre . . . . .	25.85%
90 to 99 D.U.'s per acre . . . . .	28.00%
100 D.U.'s and over per acre. . . . .	29.07%

Section 25-46 Amount of Fee in Lieu of Land Dedication. Where a fee is required to be paid in lieu of land dedication, such fee shall bear the same ratio to the fair market value of the lands to be subdivided as the amount of land which would be dedicated pursuant to Section 25-45, if dedication were required, bears to the gross area of the subdivision. Fair market value shall be determined by an appraisal of the subject property by an M.A.I. real estate appraiser. The determination of said M.A.I. appraiser may be accepted by the City Council, or the Council may obtain a second appraisal by an M.A.I. real estate appraiser which it shall accept as the final determination of fair market value.

Section 25-47 Credit for Private Open Space. Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, such areas shall be credited against the requirement of dedication for park and recreation purposes, as set forth in Section 25-45 hereof, or the payment of fees in lieu thereof, as set forth in Section 25-45 hereof, provided the City Council finds it is in the public interest to do so, and that the following standards are met:

A. That yards, court areas, setbacks and other open areas required to be maintained by the zoning and building regulations shall not be included in the computation of such private open space; and

B. That the private ownership and maintenance of the open space is adequately provided for by written agreement; and



C. That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of future owners of property within the tract and which cannot be defeated or eliminated without the consent of the City Council; and

D. That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location of the private open space land; and

E. That facilities proposed for the open space are in substantial accordance with the provisions of the recreational element of the General Plan, and are approved by the City Council.

Section 25-48     Choice of Land or Fee in Lieu Thereof.

A. Procedure - The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both, shall be as follows:

1. Action by Subdivider - At the time of filing a tentative tract map for approval, the subdivider shall, as a part of such filing, indicate whether he desires to dedicate property for park and recreational purposes, or whether he desires to pay a fee in lieu thereof. If he desires to dedicate land for this purpose, he shall designate the area thereof on the tentative map as submitted.
2. Action of City - At the time of the tentative tract map approval, the City Council shall determine as a part of such approval, whether to require a dedication of land within the subdivision, a payment of a fee in lieu thereof, or a combination of both. If it shall determine to require a dedication of land, the City Council shall designate the area thereof on the tentative tract map as submitted.
3. Prerequisites for Approval of Final Map - Where dedication is required, it shall be accomplished in accordance with the provisions of the Subdivision Map Act. Where fees are required, the same shall be deposited with the City prior to the approval of the final tract map. Open space covenants for private park or recreational facilities shall be submitted to the City prior to approval of the final tract map and shall be recorded contemporaneously with the final tract map.





B. Determination - Whether the City Council accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following factors:

1. Recreational Element of the City's General Plan;
2. Topography, geology, access and location of land in the subdivision available for dedication; and
3. Size and shape of the subdivision and land available for dedication.

C. Subdivisions Involving Fifty (50) Lots or Less - On subdivisions involving fifty (50) lots or less, only the payment of fees shall be required.

Section 25-49 Time of Commencement. At the time the final tract map is approved, the City Council shall designate the time when development of park and recreational facilities shall be commenced. Unless otherwise specified, the City shall begin development of park and recreational facilities within five (5) years from the time of final inspection and acceptance of tract improvements by the City Council.

Section 25-50 Use of Land and/or Fees; Relationship of Facilities to Needs. The land and/or fees received under this Article shall be used for the purpose of providing park and recreational facilities to help serve the inhabitants of the subdivision from which received, and the park and recreational facilities so developed shall bear a reasonable relationship to the needs therefore generated by the future inhabitants of the subdivision.



## Article VII

### ENFORCEMENT

Section 25-51 General. The provisions of this Ordinance shall be enforced in accordance with the provisions of Chapter 7 of the Subdivision Map Act.

Section 25-52 Certificate of Compliance. Certificates of compliance may be obtained in accordance with the provisions of Government Code Section 66499.35. Requests for certificates of compliance shall be accompanied by the fee established by Resolution of the City Council to cover the cost of issuing and recording certificates of compliance.



## Article VIII

### NEW RENTAL HOUSING CONVERSION

Section 25-53 Condominium Developments. Upon application by a subdivider, in connection with the approval of a tentative or final map for the proposed construction of a condominium development, which requires the obtaining of a tentative or final map under the provisions of this Chapter, the City may enter into a binding agreement with the subdivider mandating that the units be first made available for rental housing for a period of not less than ten (10) years from the date the certificate of occupancy has been issued for the units within the development; provided that: (1) at the expiration of the ten (10) year period the units within the development may be sold to individual purchasers in accordance with the approved final map authorizing the development without further proceedings under the provisions of this Chapter, and (2) during the period the units are required to be made available for rental purposes, the units are insured or are to be insured or co-insured pursuant to the provisions of Chapter 4 (commencing with Section 51850) of Part 4 of Division 31 of the California Health and Safety Code, and (3) each tenant of a unit within the development shall be given by the developer one hundred eighty (180) days prior to actual conversion written notice that includes an offer of an exclusive right to contract on the part of the tenant for his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or on terms more favorable to the tenant. This exclusive right shall run for a period of ninety (90) days from the date written notice of actual conversion is sent to the tenant by the subdivider.

Any agreement made between the City and a subdivider shall be in writing, shall describe in particular the real property affected thereby, shall set forth the name or names of the record title owner of the real property affected, and shall be executed by the Planning Director and the subdivider. Any such agreement shall also provide that from the date of execution of the agreement, it shall be binding upon the City, the subdivider and their successors. When a condominium development is subject to such an agreement, that fact shall be set forth on the face of any tentative or final map approved by the City, and the agreement shall be recorded in the Office of the County Recorder of the County of Orange on or before the date of recordation of the final map.

Section 25-54 Notice to Prospective Tenants. Subsequent to receiving tentative map approval from the City to convert a building to a condominium, community apartment, or stock cooperative, and prior to the acceptance of any rent or deposit from a prospective tenant, a subdivider shall provide prospective occupants of said condominium, community apartment, or stock cooperative with the following notice:





To the prospective occupant(s) of \_\_\_\_\_

\_\_\_\_\_  
(address)

The owner(s) of this building at \_\_\_\_\_ (address)  
\_\_\_\_\_, received a tentative map with the City of  
Cypress to convert this building to a (condominium, community  
apartment, or stock cooperative) no sooner than \_\_\_\_\_ (date).  
You will be notified at least one hundred eighty (180) days prior  
to the actual conversion. Further, if you still reside in your  
unit, you will be given an exclusive right to purchase your unit.

\_\_\_\_\_  
(Signature of owner or owners'  
agent)

Date \_\_\_\_\_

I have received this notice on \_\_\_\_\_ (date) \_\_\_\_\_.

\_\_\_\_\_  
(Prospective tenants' signature)



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